

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS, LLC, et al.,

Plaintiff,

v.

ADVANCED ENVIRONMENTAL
TECHNOLOGY CORPORATION, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION NO.
02-cv-3830 (LDD)

**REPLY DECLARATION OF MELISSA E. FLAX IN FURTHER
SUPPORT OF HANDY & HARMAN TUBE COMPANY, INC.'S
MOTION FOR SUMMARY JUDGMENT**

MELISSA E. FLAX, of full age and upon her oath declares as follows:

1. I am a member of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, attorneys for defendant Handy & Harman Tube Company, Inc. ("Handy & Harman Tube Company") and am admitted *pro hac vice* before this Court in connection with the above captioned matter.
2. I submit this reply declaration in further support of Handy & Harman Tube Company's motion for summary judgment.
3. Attached hereto as Exhibit A is a true and accurate copy of relevant portions of the deposition transcript of Thomas M. Curran, dated December 2, 2004.
4. Attached hereto as Exhibit B is a true and accurate copy of relevant portions of the deposition transcript of John Barsum dated September 8, 2003.
5. Attached hereto as Exhibit C is a true and accurate copy of Curran-1, which is a January 7, 1993 letter from Thomas Curran to USEPA.

6. Attached hereto as Exhibit D is a true and accurate copy of relevant portions of the deposition transcript of Manfred DeRewal, Sr. dated May 7, 2003.

7. Attached hereto as Exhibit E is a true and accurate copy of relevant portions of the deposition transcript of Larry, Rees, dated November 18, 2004.

8. Attached hereto as Exhibit F is a true and accurate copy of relevant portions of the deposition transcript of Thomas Bell, dated February 24, 2005.

9. Attached hereto as Exhibit G are a true and accurate copies of various newspaper articles obtained from the Internet.

I declare under penalty of perjury that the foregoing is true and accurate.

Executed on this 31st day of August 2007.


[MF1386]
MELISSA E. FLAX [MF4060]

EXHIBIT A

Thomas M. Curran

December 2, 2004

Page 1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PENNSYLVANIA

CIVIL ACTION NO.

02-CV-3830

BOARHEAD FARM AGREEMENT GROUP,
Plaintiff,

Oral Deposition of:

vs.

Thomas M. Curran

ADVANCED ENVIRONMENTAL TECHNOLOGY
CORPORATION; ASHLAND CHEMICAL
COMPANY; BOARHEAD CORPORATION;
CARPENTER TECHNOLOGY CORPORATION;
CROWN METRO, INC.; DIAZ CHEMICAL
CORPORATION; EMHART INDUSTRIES,
INC.; ETCHED CIRCUITS, INC.; FCG,
INC.; GLOBE DISPOSAL COMPANY, INC.;
GLOBE-WASTECH, INC.; HANDY & HARMAN
TUBE COMPANY, INC.; KNOLL, INC.;
MERIT METAL PRODUCTS CORPORATION;
NOVARTIS CORPORATION; NRM INVESTMENT
COMPANY; PLYMOUTH TUBE COMPANY;
QUIKLINE DESIGN AND MANUFACTURING
COMPANY; RAHNS SPECIALTY METALS,
INC.; ROHM & HAAS COMPANY, SIMON
WRECKING COMPANY, INC.; TECHALLOY
COMPANY, INC.; THOMAS & BETTS
CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,
Defendants.

Thursday, December 2, 2004

Transcript in the above matter taken at
the offices of Ballard, Spahr, Andrews & Ingersoll,
LLP, 1735 Market Street, 42nd Floor, Philadelphia,
Pennsylvania, commencing at 10:00 a.m.

Certified Shorthand Reporting Services

Arranged Through

Mastroianni & Formaroli, Inc.

709 White Horse Pike

Audubon, New Jersey 08106

(856) 546-1100

Thomas M. Curran

December 2, 2004

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2 BALLARD, SPAHR, ANDREWS & INGERSOLL, LLP</p> <p>3 BY: MARC E. DAVIES, ESQUIRE</p> <p>4 1735 MARKET STREET, 51ST FLOOR</p> <p>5 PHILADELPHIA, PENNSYLVANIA 19103-7599</p> <p>6 (215) 864-8248</p> <p>7 ATTORNEYS FOR THE PLAINTIFF</p> <p>8</p> <p>9 HINMAN, HOWARD & KATTELL, LLP</p> <p>10 BY: RALPH K. KESSLER, ESQUIRE</p> <p>11 106 CORPORATE PARK DRIVE, SUITE 317</p> <p>12 WHITE PLAINS, NEW YORK 10604</p> <p>13 (914) 694-4102</p> <p>14 ALSO APPEARING FOR THE PLAINTIFF</p> <p>15</p> <p>16 CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,</p> <p>17 STEWART & OLSTEIN, ESQUIRES</p> <p>18 BY: JOHN M. AGNELLO, ESQUIRE</p> <p>19 5 BECKER FARM ROAD</p> <p>20 ROSELAND, NEW JERSEY 07068-1739</p> <p>21 (973) 994-1700</p> <p>22 ATTORNEYS FOR THE DEFENDANT</p> <p>23 HANDY & HARMAN TUBE COMPANY, INC.</p> <p>24</p> <p>25 LAW OFFICE OF EDWARD FACKENTHAL</p> <p>BY: EDWARD FACKENTHAL, ESQUIRE</p> <p>ONE MONTGOMERY PLAZA, SUITE 209</p> <p>NORRISTOWN, PENNSYLVANIA 19401</p> <p>(610) 279-3370</p> <p>ATTORNEYS FOR THE DEFENDANT</p> <p>NRM INVESTMENT COMPANY</p>	<p style="text-align: right;">Page 4</p> <p>1 OBJECTIONS</p> <p>2 OBJECTION INDEX</p> <p>3 (Objection)..... 28:18</p> <p>4 (Objection)..... 28:25</p> <p>5 (Objection)..... 29:11</p> <p>6 (Objection)..... 30:4</p> <p>7 (Objection)..... 31:1</p> <p>8 (Objection)..... 32:12</p> <p>9 (Objection)..... 34:5</p> <p>10 (Objection)..... 36:16</p> <p>11 (Objection)..... 58:25</p> <p>12 (Objection)..... 63:24</p> <p>13 (Objection)..... 66:9</p> <p>14 (Objection)..... 66:20</p> <p>15 (Objection)..... 67:12</p> <p>16 (Objection)..... 77:25</p> <p>17 (Objection)..... 79:9</p> <p>18 (Objection)..... 80:8</p> <p>19 (Objection)..... 81:22</p> <p>20 (Objection)..... 84:9</p> <p>21 (Objection)..... 92:17</p> <p>22 (Objection)..... 94:15</p> <p>23 (Objection)..... 97:17</p> <p>24 (Objection)..... 114:13</p> <p>25 (Objection)..... 115:6</p> <p>(Objection)..... 115:20</p> <p>(Objection)..... 116:13</p> <p>(Objection)..... 117:11</p> <p>(Objection)..... 118:23</p>
<p style="text-align: right;">Page 3</p> <p>1 WITNESS INDEX</p> <p>2</p> <p>3 Examination of Mr. Curran</p> <p>4</p> <p>5 By Mr. Davies: Page 5</p> <p>6</p> <p>7 By Mr. Fackenthal: Page 99</p> <p>8</p> <p>9</p> <p>10</p> <p>11 EXHIBITS</p> <p>12</p> <p>13 EXHIBIT INDEX</p> <p>14 Appears at the conclusion of this Transcript</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 (THOMAS M. CURRAN, having been duly</p> <p>2 sworn, was examined and testified as follows:)</p> <p>3 (EXAMINATION OF MR. CURRAN BY MR. DAVIES:)</p> <p>4 Q. Mr. Curran, thanks for coming here.</p> <p>5 Will you state your name, for the</p> <p>6 record, please?</p> <p>7 A. Thomas Curran.</p> <p>8 Q. And that's C-u-r-r-a-n?</p> <p>9 A. That's right.</p> <p>10 Q. Have you been deposed before?</p> <p>11 A. No, I have not.</p> <p>12 Q. I'll just go over briefly sort of the</p> <p>13 rules of the road and if you ever have any questions</p> <p>14 about what I'm telling you now or in the future,</p> <p>15 please just ask.</p> <p>16 This is formal in a way but also</p> <p>17 informal, we're really just talking. So first your</p> <p>18 testimony today is sworn testimony, which means the</p> <p>19 answers you give are under oath, have the same weight</p> <p>20 as if you were in court. Please make sure because we</p> <p>21 have the reporter taking down whatever everyone says</p> <p>22 that your answers are verbal. If you nod your head</p> <p>23 she can't take that down or if you just sort of give</p> <p>24 an um-hum. It's clearer to have a yes or no.</p> <p>25 A. I understand.</p>

2 (Pages 2 to 5)

Thomas M. Curran

December 2, 2004

Page 14

1 material?

2 A. I'm not so sure I understand the
3 question. Do you mean --4 Q. Well, I'll -- did you use the 1010
5 carbon for some product line in the facility? Or
6 I'll ask you, what was the 1010 carbon used for in
7 the facility?8 A. We made what was known as a capillary
9 tube out of it. A capillary tube.10 Q. And did you perform any tests on the
11 capillary tube or on the 1010 carbon?

12 A. At the finished side?

13 Q. Well, at any point in the process.

14 A. Yes.

15 Q. Could you describe those tests?

16 A. Yes. We would run a sample test to pass
17 air through it because these were very fine inside
18 diameters. The major product had an inside diameter
19 of about ten thousandths. So we would run a
20 substantial sample to make sure that it was still
21 open, that nothing had collapsed in there. We would
22 run a tensile test to determine the strength. We
23 would make sure that the paperwork was proper in the
24 sense that it had gone through the process without
25 any question marks as to, you know, what it was so

Page 16

1 Q. And what would you do with the test

2 materials when you were finished with them, when the
3 test was complete?4 A. They were normally rinsed off so that
5 there was no acid residue and the metal itself was
6 disposed of as scrap.7 Q. Do you recall who was responsible for
8 that disposal at the facility?

9 A. During what time frame?

10 Q. Let's say mid to late '60s when you
11 were -- well, when did you finish working in the lab?

12 A. 1970.

13 Q. So in the 1965 to 1970 period, do you
14 recall who handled the disposal of the scrap metals?15 A. Yes, the purchasing department would
16 contract them out to whomever.17 Q. Do you remember who was in the
18 purchasing department?19 A. In that period I think, I'm not certain,
20 I think the name was McCarron, Joe McCarron.21 Q. Do you remember who was in purchasing
22 after Mr. McCarron?23 A. Yes, Becker. Wait. I'm wrong. I can't
24 say for sure, there is another name and I can't pull
25 it back, there were a number of different people out

Page 15

1 that it wouldn't be mixed with other alloy.

2 Q. I'll ask you the same type of question
3 for the nickel based series, first, what kind of
4 products?5 A. Yeah, okay, on the nickel based pretty
6 much the same sort of testing depending on what the
7 finish size was. And we would often send out to get
8 a spectroscopic analysis on the finished product on
9 some of the nickels. They're worth a lot of money
10 relative to the normal 300 series stainless. On the
11 300 series stainless, same sort of test, with the
12 addition that we frequently would mount them and
13 microscopically inspect samples for like grain size
14 because many of the finished applications required a
15 band of grain sizes that you had to hit. We would
16 give it a test to determine how long it could
17 tolerate, for instance, a sulfuric acid test,
18 something like that. All on a sample basis.19 Q. Did you use any other kinds of acids
20 besides sulfuric acid in the lab?

21 A. In testing?

22 Q. Yes.

23 A. Yes. The basic acids, like we had
24 hydrochloric for some of the tests, hydrofluoric for
25 some of the tests. Nitric.

Page 17

1 there.

2 Q. Who was Becker?

3 A. He was the purchasing agent, I think, in
4 that part of that time period.

5 Q. After 1970?

6 A. Yeah, I can't recall how long he was
7 there. I had very little contact with him so I
8 really -- I don't know.9 Q. Now, what did you do with the various
10 acids that you used for testing when you were done
11 with them?12 A. They were taken by Waste Conversion
13 Systems.14 Q. Were you responsible for calling Waste
15 Conversion Systems to come pick up the acids?

16 A. No.

17 Q. Do you remember who was?

18 A. Somebody in purchasing.

19 Q. Now, after you finished working in the
20 lab you say around 1970, what was your next job or
21 responsibilities?22 A. I was an assistant in the production
23 control department.

24 Q. And what did you do as an assistant?

25 A. I wrote the processes on how we were

5 (Pages 14 to 17)

Thomas M. Curran

December 2, 2004

Page 42

1 A. I don't know. I don't know that.
 2 Q. Do you recall whether the number of
 3 people increased or decreased during your decade
 4 working in production control?
 5 A. Decreased.
 6 Q. Can you tell me about how much it would
 7 have decreased either in terms of number of people or
 8 sort of percentage?
 9 A. May I estimate?
 10 Q. Yeah, you can estimate.
 11 MR. AGNELLO: Don't guess. If you have
 12 a good faith estimate, that's fine. If you're
 13 guessing, don't do it.
 14 THE WITNESS: Ten percent drop.
 15 BY MR. DAVIES:
 16 Q. Now, let's go from the -- well, what
 17 year did you finish in production control?
 18 A. I guess it was 1984. In 1980 I was
 19 moved, I continued to supervise production control at
 20 that point and I also began to be involved with the
 21 steel hollows, you know, where we got them, how much
 22 we paid for them.
 23 Q. So after 1984 or about the time you
 24 stopped working in production control, did you remain
 25 familiar with the production process, were you still

Page 43

1 part of production at the facility?
 2 A. Yes.
 3 Q. And what were you doing then?
 4 A. Directing.
 5 Q. Directing what?
 6 A. Manufacturing.
 7 Q. Did the number of people you had in the
 8 manufacturing process increase during the 1980s or
 9 decrease after 1984, excuse me?
 10 A. It was stable through the '80s.
 11 Q. Let's go back for a moment to the
 12 storage tank which you said was in the basement.
 13 Do you recall who worked in the
 14 basement -- what else was in the basement, I'm sorry,
 15 besides the storage tank?
 16 A. There was a weir, there were boilers
 17 down there to heat the baths with. There was a
 18 plumbing shop. Part of our maintenance group was
 19 down there. There was a plumbing shop there. It was
 20 a grungy place I tried to stay out of.
 21 Q. Were there any loading docks or areas
 22 from the outside that were accessible to the
 23 basement? Well, I'll ask the question differently.
 24 A. Yes.
 25 Q. Do you recall how the waste material in

Page 44

1 this storage tank was removed from the storage tank?
 2 A. Pumped out.
 3 Q. And where was it pumped from, I mean
 4 just describe how that process happened?
 5 A. I don't know the exact process.
 6 Q. Do you recall whether it was pumped into
 7 drums or pumped into a truck?
 8 A. It was pumped into Waste Conversion
 9 Systems, as I remember, would send tank trucks, we
 10 pumped it right into a tank truck.
 11 Q. And do you recall the process of how
 12 that happened, would the truck park inside the actual
 13 basement or was there some kind of tube connecting
 14 the storage tank to the truck itself?
 15 A. It was parked on a concrete apron in the
 16 back of the acid house. I can't recite the safety
 17 procedures that were taken, you know, to avoid
 18 spills. But it was pumped from the tank in the
 19 basement into the truck. And I'm not aware of any
 20 spills.
 21 Q. And you mentioned Waste Conversion?
 22 A. Yes.
 23 Q. Did you know any of the employees of
 24 Waste Conversion, did you ever meet them?
 25 A. Did I know any of them?

Page 45

1 Q. Yes.
 2 A. Yes, but this was in a time period of
 3 the '80s, the late '80s.
 4 Q. Late '80s, okay.
 5 Well, starting with the late '80s then
 6 do you recall about how often they would come to haul
 7 materials from the acid house?
 8 MR. AGNELLO: They meaning Waste
 9 Conversion?
 10 MR. DAVIES: Waste Conversion.
 11 THE WITNESS: I don't.
 12 BY MR. DAVIES:
 13 Q. Do you remember --
 14 A. I did --
 15 Q. I'm sorry, go ahead.
 16 A. I did not receive any reports on things
 17 like that. You know, I was used to looking at dollar
 18 figures for what we were spending on things. But I
 19 wouldn't be able to say we went out every month, we
 20 went every six months, I have no idea.
 21 Q. Do you recall what you were spending on
 22 the hauling of the spent acid?
 23 A. You're taking me back too far. No.
 24 Q. Well, let's go back just to the late
 25 '80s, can you recall what you spent on hauling waste

12 (Pages 42 to 45)

Thomas M. Curran

December 2, 2004

Page 58

1 Yeah, that --

2 MR. AGNELLO: Wait. Let's get a period
3 here.

4 BY MR. DAVIES:

5 Q. Let's start with the early, mid-'70s.

6 A. I don't know who they were using during
7 that period.

8 Q. How about the late 1970s?

9 A. We used Chemclene. I can remember from
10 like the 1983, '84 period on we were using Chemclene
11 at that point.

12 Q. Do you recall the name DeRewal?

13 A. I've heard of the name DeRewal simply
14 because the EPA when they -- somebody interviewed me
15 and brought up that same name, I could not recall it
16 and I don't think -- I don't know whether any of our
17 other people did or not, but I don't know the name.
18 I just -- I don't know, you know, again what period
19 it was in, I guess I'm going to be embarrassed if
20 that name was somebody we were using after I sort of
21 took over. I don't recall that name though.22 Q. Now, let me just be clear, when you were
23 interviewed before by EPA, did you recall the name
24 DeRewal at that time?

25 (Objection) MR. AGNELLO: Objection. Just

Page 59

1 clarification, when was he interviewed?

2 MR. DAVIES: Well, he mentioned a
3 moment ago that he was interviewed by EPA and asked
4 about the name DeRewal.5 MR. AGNELLO: So your question is at
6 the time of that interview, whenever that was, does
7 he recall today whether he remembered the name
8 DeRewal at that time?

9 MR. DAVIES: At that time.

10 MR. AGNELLO: Okay.

11 THE WITNESS: I kind of remember the
12 year of the interview but it seemed to me it was in
13 the early '90s some point.

14 BY MR. DAVIES:

15 Q. I think I have it here. But aside from
16 the year.17 A. Anyway, they asked me about the name, I
18 said I could not recall it. But I don't, you know, I
19 don't remember, if we did have them, I don't remember
20 anything about them. And I wouldn't expect myself to
21 remember unless it was like after '84.22 MR. DAVIES: Why don't I mark, this is
23 I guess a transcript of the interview. Maybe not
24 transcript, a summary and just make it Curran-2.

25 (Exhibit Curran-2, 2-page Summary Interview of

Page 60

1 Thomas M. Curran on 2/5/93, marked for I.D.)

2 MR. AGNELLO: Just for the record for
3 purposes of identification, Curran-2 is a two-page
4 document has the number A-3 and A-4 on the bottom and
5 first and second page, it's an unsigned document
6 looks like it was prepared by someone from Hemenway
7 Associates regarding an interview of Mr. Curran
8 allegedly.9 THE WITNESS: Is this what we're going
10 to read now?11 MR. AGNELLO: He's going to show you
12 it. I just wanted to clarify the description.

13 BY MR. DAVIES:

14 Q. This is Curran-2, take a moment to look
15 at it, looks like it's February 5th, 1993 interview
16 that it's referencing.17 MR. AGNELLO: Wait a minute, there's no
18 question.

19 BY MR. DAVIES:

20 Q. Are you done reading it?

21 A. Yes.

22 Q. Now, this document Curran-2 seems to
23 indicate that the interviewer was named Richard
24 Grabill. Do you remember speaking with Mr. Grabill?

25 A. Vaguely.

Page 61

1 Q. And does the time frame here February

2 5th, 1993, does that appear to be about the same time
3 frame you recalled before when you mentioned you were
4 interviewed by an EPA person?

5 A. Yes.

6 Q. Now, on the second page towards the
7 bottom it mentions Mr. Curran stated that while the
8 name DeRewal was familiar to him he did not recognize
9 the names DeRewal Chemical Company, et cetera. Does
10 that seem accurate to you?11 MR. AGNELLO: Again, just so that we're
12 clear, accurate of his recollection today of what was
13 said or accurate -- yeah, accurate today of what he
14 said at the time?

15 MR. DAVIES: Absolutely.

16 THE WITNESS: Yes.

17 BY MR. DAVIES:

18 Q. I also see that it mentions the name
19 Robert Becker as a purchasing agent possibly in 1972
20 or 1973.

21 MR. AGNELLO: What paragraph is that?

22 MR. DAVIES: We're on the first page,
23 the third paragraph.

24 THE WITNESS: Um-hum.

25 BY MR. DAVIES:

16 (Pages 58 to 61)

C E R T I F I C A T E

I, Cynthia A. Cormaney, a Notary Public
and Certified Shorthand Reporter of the State
of New Jersey and a Commissioner of Deeds of
the State of Pennsylvania, do hereby certify
that the foregoing is a true and accurate
transcript of the testimony as taken
stenographically by and before me at the time,
place and on the date hereinbefore set forth.

I do further certify that I am neither a
relative nor employee nor attorney nor counsel
of any of the parties to this action, and that
I am neither a relative nor employee of such
attorney or counsel and that I am not
financially interested in this action.



Cynthia A. Cormaney, C.S.R.
Notary Public, State of New Jersey
My Commission Expires July 24, 2006
Certificate No. XI01116

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA
3 _____ CIVIL ACTION NO.
4 BOARHEAD FARM AGREEMENT 02-CV-3830
5 GROUP, Judge Legrome D.
6 Davis
7
8 Plaintiff,
9 vs.
10
11 ADVANCED ENVIRONMENTAL TECHNOLOGY
12 CORPORATION; ASHLAND CHEMICAL
13 COMPANY; BOARHEAD CORPORATION;
14 CARPENTER TECHNOLOGY CORPORATION;
15 CROWN METRO, INC.; DIAZ CHEMICAL
16 CORPORATION; EMHART INDUSTRIES, ORAL DEPOSITION OF:
17 INC.; ETCHED CIRCUITS, INC.; FCG, JOHN BARSUM
18 INC.; GLOBE DISPOSAL COMPANY, INC.;
19 GLOBE-WASTECH, INC.; HANDY & HARMAN
20 TUBE COMPANY, INC.; KNOLL, INC.;
21 MERIT METAL PRODUCTS CORPORATION;
22 NOVARTIS CORPORATION; NRM INVESTMENT
23 COMPANY; PLYMOUTH TUBE COMPANY;
24 QUIKLINE DESIGN AND MANUFACTURING
25 COMPANY; RAHNS SPECIALTY METALS,
INC.; ROHM & HAAS COMPANY, SIMON
WRECKING COMPANY, INC.; TECHALLOY
COMPANY, INC.; THOMAS & BETTS
CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,
Defendants.

* * * * *
Monday, September 8, 2003
* * * * *
Transcript in the above matter taken at
the offices of Ballard, Spahr, Andrews & Ingersoll,
LLP, 1735 Market Street, 42nd Floor, Philadelphia,
Pennsylvania, commencing at 10:05 a.m.
Certified Shorthand Reporting Services
Arranged Through
Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

1 A P P E A R A N C E S:

2 BALLARD, SPAHR, ANDREWS & INGERSOLL, LLP
3 BY: GLENN A. HARRIS, ESQUIRE
4 PLAZA 1000, MAIN STREET, # 500
5 VOORHEES, NEW JERSEY 08043
6 (856)761-3400
7 ATTORNEYS FOR THE PLAINTIFF

8 HINMAN, HOWARD & KATTELL, LLP
9 BY: RALPH K. KESSLER, ESQUIRE
10 106 CORPORATE PARK DRIVE, SUITE 317
11 WHITE PLAINS, NEW YORK 10604
12 (914)694-4102
13 ALSO APPEARING FOR THE PLAINTIFF

14 WOLFF & SAMSON, PC
15 BY: THOMAS W. SABINO, ESQUIRE
16 THE OFFICES AT CRYSTAL LAKE
17 ONE BOLAND DRIVE
18 WEST ORANGE, NEW JERSEY 07052-3698
19 (973)530-2044
20 ATTORNEYS FOR THE DEFENDANT,
21 ADVANCED ENVIRONMENTAL TECHNOLOGY CORPORATION

22 PHELAN, PETTIT & BIEDRZYCKI, ESQUIRES
23 BY: DAVID M. DOTO, ESQUIRE
24 NORTH AMERICAN BUILDING
25 121 SOUTH BROAD STREET, SUITE 1600
PHILADELPHIA, PENNSYLVANIA 19107
(215)546-0500
ATTORNEYS FOR THE DEFENDANT,
ASHLAND CHEMICAL COMPANY

EDWARDS & ANGELL, LLP
BY: LYNN WRIGHT, ESQUIRE
51 JOHN F. KENNEDY PARKWAY
SHORT HILLS, NEW JERSEY 07078-5006
(973)376-7700
ATTORNEYS FOR THE DEFENDANT,
CARPENTER TECHNOLOGY CORPORATION

SWIDLER, BERLIN, SHEREFF, FRIEDMAN, LLP
BY: LAURA A. FORD, ESQUIRE
3000 K STREET, N.W., SUITE 300
WASHINGTON, D.C. 20007-5116
(202)424-7861
ATTORNEYS FOR THE DEFENDANTS,
CROWN METRO and EMHART INDUSTRIES

1 A P P E A R A N C E S (CONTINUED:)

2 DUANE MORRIS
3 BY: A. NICOLE FRIANT, ESQUIRE
4 ONE LIBERTY PLACE
5 PHILADELPHIA, PENNSYLVANIA 19103-7396
6 (215)979-1818
7 ATTORNEYS FOR THE DEFENDANT,
8 FLEXIBLE CIRCUITS

9 CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
10 STEWART & OLSTEIN, PC
11 BY: MELISSA E. FLAX, ESQUIRE
12 5 BECKER FARM ROAD
13 ROSELAND, NEW JERSEY 07068-1739
14 (973)994-1700
15 ATTORNEYS FOR THE DEFENDANT,
16 HANDY & HARMAN TUBE COMPANY, INC.

17 MC NEES, WALLACE & NURICK, LLC
18 BY: RICHARD H. FRIEDMAN, ESQUIRE
19 100 PINE STREET
20 HARRISBURG, PENNSYLVANIA 17108-1166
21 (717)237-5469
22 ATTORNEYS FOR THE DEFENDANT, KNOLL, INC.

23 MONTEVERDE, MC ALEE & HURD, ESQUIRES
24 BY: STEPHEN P. CHAWAGA, ESQUIRE
25 1617 JFK BOULEVARD, SUITE 1500
PHILADELPHIA, PENNSYLVANIA 19103-1815
(215)557-2900
ATTORNEYS FOR THE DEFENDANT,
MERIT METALS PRODUCTS CORPORATION

MORGAN, LEWIS & BOCKIUS, LLP
BY: MICHAEL R. DILLON, ESQUIRE
and WADE B. WILSON, ESQUIRE
1701 MARKET STREET
PHILADELPHIA, PENNSYLVANIA 19103-2921
(215)963-4938
ATTORNEYS FOR THE DEFENDANT,
NOVARTIS CORPORATION

HENDERSON, WETHERILL, O'HEY & HORSEY, ESQUIRES
BY: EDWARD FACKENTHAL, ESQUIRE
ONE MONTGOMERY PLAZA, SUITE 902
NORRISTOWN, PENNSYLVANIA 19404
(610)279-3370
ATTORNEYS FOR THE DEFENDANT,
NRM INVESTMENT COMPANY

1 A P P E A R A N C E S (CONTINUED:)

2 JONES, LEMON, GRAHAM & CLANCY, ESQUIRES
3 BY: STEVEN J. LEMON, ESQUIRE
223 EAST STATE STREET
4 GENEVA, ILLINOIS 60134-0805
(630)208-0805
5 ATTORNEYS FOR THE DEFENDANT,
PLYMOUTH TUBE COMPANY

6 SCHMIDT & TOMLINSON, ESQUIRES
7 BY: MARGARET QUINN, ESQUIRE
29 UNION STREET
8 MEDFORD, NEW JERSEY 08055
(609)714-0600
9 ATTORNEYS FOR THE DEFENDANT,
QUIKLINE DESIGN AND MANUFACTURING COMPANY

10 ROHM AND HAAS COMPANY
11 BY: JENNIFER BERKE LEVIN, ESQUIRE
100 INDEPENDENCE MALL WEST
12 PHILADELPHIA, PENNSYLVANIA 19106-2399
ATTORNEYS FOR THE DEFENDANT,
ROHM AND HAAS COMPANY

13 MATTLEMAN, WEINROTH & MILLER, PC
14 BY: SHARON ORAS MORGAN, ESQUIRE
LAND TITLE BUILDING, SUITE 2226
15 BROAD & CHESTNUT STREETS
PHILADELPHIA, PENNSYLVANIA 19110
16 (215)923-2225
17 ATTORNEYS FOR THE DEFENDANT,
SIMON WRECKING COMPANY, INC.

18 DRINKER, BIDDLE & REATH, LLP
19 BY: ADINA M. DZIUK, ESQUIRE
ONE LOGAN SQUARE
20 18TH & CHERRY STREETS
PHILADELPHIA, PENNSYLVANIA 19103-6996
(215)988-2696
21 ATTORNEYS FOR THE DEFENDANTS,
22 RAHNS SPECIALTY METALS, INC.,
TECHALLOY COMPANY, INC., THOMAS & BETTS
CORPORATION and UNISYS CORPORATION

23
24
25

1 A P P E A R A N C E S (CONTINUED:)

2 DEPARTMENT OF THE NAVY
3 NAVY LITIGATION OFFICE
4 OFFICE OF THE GENERAL COUNSEL
5 BY: JOHN D. TEW, SENIOR TRIAL ATTORNEY
6 720 KENNON STREET SE, ROOM 233
WASHINGTON NAVY YARD, D.C.
7 (202) 685-7030
ATTORNEYS FOR THE DEFENDANT,
UNITED STATES OF AMERICA DEPARTMENT OF NAVY

8 A L S O P R E S E N T:

9 ED BARSUM

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 A. No.

2 MR. DILLON: Objection to the form.

3 Other than he's seen the other trucks down at

4 Wissinoming?

5 BY MR. HARRIS:

6 Q. I'd like to show you a document that's

7 previously been marked as P-42. It's a DeRewal

8 Chemical invoice to Handy & Harman Tube Company in

9 Norristown, Pennsylvania. Do you see where it says

10 Township Line Road on there?

11 A. Yes.

12 Q. Looking at that document, I know we talked

13 about Jenkintown and we talked about cyanide and we

14 talked about the words Handy & Harman that you say you

15 saw on a sign.

16 A. I remember the name Norristown, that's where

17 it was at. I remember it.

18 Q. Having seen this piece of paper --

19 A. It was right by Bridgeport.

20 Q. -- do you think that you personally went to

21 a place called Handy & Harman in, near Norristown?

22 A. One time, that's all, Glenn. That's where

23 it was at, Norristown, not Jenkintown. I'm sorry, I

24 said Jenkintown. That was Standard.

25 Q. So you went to both places; is that right?

1 A. Yeah, I did, because I remember crossing the
2 bridge on Ridge Road. I know, yeah.

3 Q. So now, what did the place --

4 A. I remember that now.

5 Q. Now, that we're focusing on this Handy &
6 Harman --

7 A. One time though.

8 Q. Okay, one time. What did that one look
9 like? Do you remember what that one looked like?

10 A. No, I can't remember.

11 Q. What did you pick up the time you went
12 there?

13 A. Drums.

14 Q. How many?

15 A. Fifteen, 10 or 15.

16 Q. Are you just guessing?

17 A. Twelve, 15. Maybe 25. I don't know.

18 Q. You don't remember, is that a fair
19 statement?

20 A. I'm saying it -- yeah, it wasn't no full
21 trailer load.

22 Q. Okay.

23 A. Could have been 20; 15, 20.

24 Q. And you don't remember what that facility
25 looked like?

1 A. No, that was nighttime. I remember it now
2 when I see Norristown, yeah. I remember going across
3 that bridge --

4 Q. Okay.

5 A. -- to get there.

6 Q. All right. What were you driving?

7 A. Fred's truck.

8 Q. The Brockway?

9 A. Yeah.

10 Q. Pulling a trailer, a flat trailer?

11 A. Yeah.

12 Q. Where did you take those drums to be
13 disposed?

14 A. Philadelphia, Ontario.

15 Q. Did you ever take waste down to Marvin
16 Jonas's Sewell location from a DeRewal customer before
17 Ontario opened?

18 A. Well, I'll tell you he had a couple flatbeds
19 there with drums to go, before Wisconsin and Ontario
20 came in. And that's where we took it from Fred's down
21 to Jonas. It was up there already and I just drove it
22 down, dropped it. Frankie said just drop it right
23 here, I put it there and dropped it.

24 Q. Two times?

25 A. Couple times, yeah.

1 C E R T I F I C A T E

2 I, Karen L. Siedlecki, a Notary Public and
3 Certified Shorthand Reporter of the State of New
4 Jersey and Commissioner of Deeds for the Commonwealth
5 of Pennsylvania, do hereby certify that the foregoing
6 is a true and accurate transcript of the testimony
7 as taken stenographically by and before me at the
8 time, place and on the date hereinbefore set
9 forth.

10 I do further certify that I am neither a
11 relative nor employee nor attorney nor counsel of
12 any of the parties to this action, and that I am
13 neither a relative nor employee of such attorney
14 or counsel and that I am not financially
15 interested in this action.

16

17

18

19 Karen L. Siedlecki, C.S.R. #XI 01958
20 Notary Public, State of New Jersey
21 Certificate No. 2162671
22 My Commission expires 2-17-04
23 Commissioner of Deeds expires 9-4-06
24
25

EXHIBIT C



**Handy & Harman
Tube Co., Inc.**

Township Line & Whitehall Road, RD #3, Norristown, PA 19403
Telephone: (215) 539-3900 • FAX: (215) 539-3250

ORIGINAL
(Red)

January 7, 1993

Ms. Joan E. Martin-Banks
U.S. Environmental Protection Agency
PRP Search Section (3HW11)
841 Chestnut Building, 9th Floor
Philadelphia, PA 19107

Re: Supplemental Information Submission
Boarhead Farms Site
Bridgeton Township
Bucks County, Pennsylvania

Dear Ms. Martin-Banks,

In accordance with the United States Environmental Protection Agency (U.S. EPA) directive letter received on Tuesday, January 5, 1993 and our same day telephone discussion regarding the above mentioned subject, Handy & Harman Tube Company, Inc. (Handy) is providing supplemental information as outlined in the U.S. EPA questionnaire letter dated September 30, 1992.

To summarize, Handy's initial reply to the U.S. EPA questionnaire letter dated September 30, 1992 was answered on October 29, 1992 by Mr. Francis Rosato, Director of Manufacturing. The U.S. EPA had stated in their letter received Tuesday, January 5, 1993 that Handy's initial reply letter dated October 29, 1992 did not provide an "adequate response".

Handy's supplemental information submission response to the U.S. EPA questionnaire letter dated September 30, 1992 is as follows:

1. The nature of Handy's current business is the production of small diameter stainless, nickel alloy, carbon and alloy steel tubing in a wide range of diameters, wall thickness, shapes and forms. The nature of Handy's business between the years of 1969 through 1977 was similar to current operations.
2. According to information obtained from employees who recall operations between the years of 1969 through 1977, waste streams included general plant trash including packaging material and office refuse. A waste stream designated as "Industrial Waste Solution" was also shipped out for disposal. It is not known what chemical components or characteristics comprised the "Industrial Waste Solution". The physical state of the waste streams were probably solids and liquids, based upon past operations in the mill.

EXHIBIT

Curran-1

12-2-04 Cor

-2-

ORIGINAL
FILED

The annual quantity of each by-product or waste produced by Handy between 1969 and 1977 is unknown. After an extensive search for active and inactive records at Handy, no waste stream records or manifests were located for the period of 1969 through 1977. Unfortunately, records and manifests were not kept by Handy during the period of 1969 through 1977.

The current processes at Handy include a degreasing bath utilizing TCE, a pickling operation utilizing nitric, hydrochloric and hydrofluoric acids. Spent oils, sandblast dust and inert materials contaminated with TCE are also generated from process operations. General plant trash and office refuse are also currently generated.

3. The following list of personnel may potentially have limited knowledge of disposal, treatment or coordination of disposal transportation between the years of 1969 through 1977 and are provided for your convenience:

- a. Thomas C. Curran, Vice President
Whitehall & Township Line Roads
Norristown, PA 19403
(215) 539-3900

Area of Responsibility: Coordinate Manufacturing and Operations

- b. Mary Kollmar, Purchasing Manager
Whitehall & Township Line Roads
Norristown, PA 19403
(215) 539-3900

Area of Responsibility: Coordinate Purchasing Operations

- c. Jay Crawford, Welding & Raw Materials Supervisor
Whitehall & Township Line Roads
Norristown, PA 19403
(215) 539-3900

Area of Responsibility: Coordinate Welding and Raw Material Operations

4. Based upon employees who recall operations at Handy between the years of 1969 through 1977, a local waste hauler was contracted to dispose of the material. Information regarding the name of the contracted hauler, the types of waste and the quantities of waste generated are unknown.

-3-

ORIGINAL
(Red)

A currently inactive cistern, located outside in the storage yard, was once utilized for disposal of waste materials. The quantities and components of the waste stream disposal in the cistern are unknown.

5. Due to the lack of available waste disposal records and manifests, the name of the waste hauler, the type of waste hauled, the quantity of waste generated, the dates the waste was generated, the month each waste was containerized and the precise locations at which each material was disposed is unknown. The personnel who selected the disposal site, the final disposition of each material involved in the transaction and the names of owners and agents for the transporter are also unknown.
6. The physical state of material disposed of off-site and on-site are unknown due to a lack of available records and manifests between the years of 1969 and 1977. However, based upon current operations, liquid and solid phase wastes were probably generated. There are no available records to indicate the name of the hauler or who supplied Handy with hauling services.

A currently inactive cistern, was utilized to some degree to dispose of wastes generated by Handy between the years of 1969 through 1977 (see response #4). Unfortunately, records regarding the components, quantity or handling procedures of the wastes were not kept.

7. This answer can be found in response #3.
8. Waste disposal records, waste disposal applications and waste disposal permits submitted to regulatory agencies between the years 1969 through 1977 were not kept.
9. Copies of correspondence regarding waste disposal between Handy and third parties were not kept between the years of 1969 through 1977.
10. This answer can be found in response #3. No waste disposal records have been discovered between the years of 1969 through 1977.
11. This answer can be found in response #3. No change in ownership of Handy occurred between 1969 and 1977.

-4-

ORIGINAL
[Red]

12. Additional information regarding the project should be directed to:

Thomas C. Curran, Vice President
Whitehall & Township Line Roads
Norristown, PA 19403
(215) 539-3900

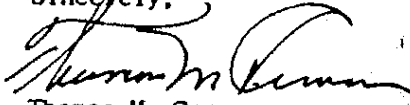
13. This answer can be found in response #3.
14. This answer can be found in response #3.
15. This answer can be found in response #12.

Since the inception of RCRA rules and regulations during the year 1976, Handy has been keeping waste disposal records and manifests in accordance with applicable Federal and State guidelines. Unfortunately, waste disposal records and manifests were not kept between the years 1969 through 1977.

Handy is prepared to cooperate fully with the U.S. EPA on this matter.

If you have any questions or should require additional information, please telephone me at (215) 539-3900.

Sincerely,



Thomas M. Curran
Vice President
Handy & Harman Tube Company

TMC

EXHIBIT D

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 CIVIL ACTION NO.
4 BOARHEAD FARM AGREEMENT 02-CV-3830
5 GROUP, Judge Legrome D. Davis
6 Plaintiff, Oral Deposition of

7 vs. MANFRED T. DE REWAL, SR.

8 ADVANCED ENVIRONMENTAL TECHNOLOGY
9 CORPORATION; ASHLAND CHEMICAL
10 COMPANY; BOARHEAD CORPORATION;
11 CARPENTER TECHNOLOGY CORPORATION;
12 CROWN METRO, INC.; DIAZ CHEMICAL
13 CORPORATION; EMHART INDUSTRIES,
14 INC.; ETCHED CIRCUITS, INC.; FCG,
15 INC.; GLOBE DISPOSAL COMPANY, INC.;
16 GLOBE-WASTECH, INC.; HANDY & HARMAN
17 TUBE COMPANY, INC.; KNOLL, INC.;
18 MERIT METAL PRODUCTS CORPORATION;
19 NOVARTIS CORPORATION; NRM INVESTMENT
20 COMPANY; PLYMOUTH TUBE COMPANY;
21 QUIKLINE DESIGN AND MANUFACTURING
22 COMPANY; RAHNS SPECIALTY METALS,
23 INC.; ROHM & HAAS COMPANY, SIMON
24 WRECKING COMPANY, INC.; TECHALLOY
25 COMPANY, INC.; THOMAS & BETTS
CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,
Defendants.

18 * * * * *
19 Wednesday, May 7, 2003
20 * * * * *

21 Transcript in the above matter taken at
22 the offices of Ballard, Spahr, Andrews & Ingersoll,
23 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
24 Pennsylvania, commencing at 10:10 A.M.

25 Certified Shorthand Reporting Services
Arranged Through
Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

1 A P P E A R A N C E S:

2 BALLARD, SPAHR, ANDREWS & INGERSOLL, LLP
3 BY: GLENN A. HARRIS, ESQUIRE
4 PLAZA 1000, MAIN STREET, # 500
5 VOORHEES, NEW JERSEY 08043
6 (856)761-3400
7 ATTORNEYS FOR THE PLAINTIFF

8 HINMAN, HOWARD & KATTELL, LLP
9 BY: RALPH K. KESSLER, ESQUIRE
10 106 CORPORATE PARK DRIVE, SUITE 317
11 WHITE PLAINS, NEW YORK 10604
12 (914)694-4102
13 ALSO APPEARING FOR THE PLAINTIFF

14 CYTEC INDUSTRIES, INC.
15 BY: THOMAS A. WALDMAN, ESQUIRE
16 5 GARRET MOUNTAIN PLAZA
17 WEST PATERSON, NEW JERSEY 07424
18 (973)357-3136
19 ALSO APPEARING FOR THE PLAINTIFF

20 FORD MOTOR COMPANY
21 BY: KATHY J. HOFER, ESQUIRE
22 PARKLANE TOWERS WEST, SUITE 1500
23 3 PARKLANE BOULEVARD
24 DEARBORN, MICHIGAN 48126-2493
25 (313)594-1687
26 ALSO APPEARING FOR THE PLAINTIFF

27 WOLFF & SAMSON, PC
28 BY: THOMAS W. SABINO, ESQUIRE
29 THE OFFICES AT CRYSTAL LAKE
30 ONE BOLAND DRIVE
31 WEST ORANGE, NEW JERSEY 07052-3698
32 (973)530-2044
33 ATTORNEYS FOR THE DEFENDANT,
34 ADVANCED ENVIRONMENTAL TECHNOLOGY CORPORATION

35 PHELAN, PETTIT & BIEDRZYCKI, ESQUIRES
36 BY: DAVID M. DOTO, ESQUIRE
37 NORTH AMERICAN BUILDING
38 121 SOUTH BROAD STREET, SUITE 1600
39 PHILADELPHIA, PENNSYLVANIA 19107
40 (215)546-0500
41 ATTORNEYS FOR THE DEFENDANT,
42 ASHLAND CHEMICAL COMPANY

1 A P P E A R A N C E S (CONTINUED:)

2 EDWARDS & ANGELL, LLP
3 BY: LYNN WRIGHT, ESQUIRE
4 51 JOHN F. KENNEDY PARKWAY
5 SHORT HILLS, NEW JERSEY 07078-5006
(973)376-7700
ATTORNEYS FOR THE DEFENDANT,
CARPENTER TECHNOLOGY CORPORATION

6 SWIDLER, BERLIN, SHEREFF, FRIEDMAN, LLP
7 BY: LAURA A. FORD, ESQUIRE
8 3000 K STREET, N.W., SUITE 300
9 WASHINGTON, D.C. 20007-5116
(202)424-7861
ATTORNEYS FOR THE DEFENDANTS,
CROWN METRO and EMHART INDUSTRIES

10 DUANE MORRIS
11 BY: A. NICOLE FRIANT, ESQUIRE
12 ONE LIBERTY PLACE
13 PHILADELPHIA, PENNSYLVANIA 19103-7396
(215)979-1818
ATTORNEYS FOR THE DEFENDANT,
FLEXIBLE CIRCUITS

14 CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
15 STEWART & OLSTEIN, PC
16 BY: MELISSA E. FLAX, ESQUIRE
17 6 BECKER FARM ROAD
18 ROSELAND, NEW JERSEY 07068-1739
(973)994-1700
ATTORNEYS FOR THE DEFENDANT,
HANDY & HARMAN TUBE COMPANY, INC.

19 MC NEES, WALLACE & NURICK, LLC
20 BY: RICHARD H. FRIEDMAN, ESQUIRE
21 100 PINE STREET
HARRISBURG, PENNSYLVANIA 17108-1166
(717)237-5469
ATTORNEYS FOR THE DEFENDANT, KNOLL, INC.

22 MONTEVERDE, MC ALEE & HURD, ESQUIRES
23 BY: STEPHEN P. CHAWAGA, ESQUIRE
24 1617 JFK BOULEVARD, SUITE 1500
25 PHILADELPHIA, PENNSYLVANIA 19103-1815
(215)557-2900
ATTORNEYS FOR THE DEFENDANT,
MERIT METALS PRODUCTS CORPORATION

1 A P P E A R A N C E S (CONTINUED:)

2 MORGAN, LEWIS & BOCKIUS, LLP
3 BY: MICHAEL R. DILLON, ESQUIRE
4 1701 MARKET STREET
5 PHILADELPHIA, PENNSYLVANIA 19103-2921
(215)963-4938
ATTORNEYS FOR THE DEFENDANT,
NOVARTIS CORPORATION

6 HENDERSON, WETHERILL, O'HEY & HORSEY, ESQUIRES
7 BY: EDWARD FACKENTHAL, ESQUIRE
8 ONE MONTGOMERY PLAZA, SUITE 902
9 NORRISTOWN, PENNSYLVANIA 19404
(610)279-3370
ATTORNEYS FOR THE DEFENDANT,
NRM INVESTMENT COMPANY

10 JONES, LEMON, GRAHAM & CLANCEY, ESQUIRES
11 BY: STEVEN J. LEMON, ESQUIRE
12 223 EAST STATE STREET
13 GENEVA, ILLINOIS 60134-0805
(630)208-0805
ATTORNEYS FOR THE DEFENDANT,
PLYMOUTH TUBE COMPANY

14 SCHMIDT & TOMLINSON, ESQUIRES
15 BY: SANFORD F. SCHMIDT, ESQUIRE
and MARGARET QUINN, ESQUIRE
16 29 UNION STREET
MEDOFRD, NEW JERSEY 08055
(609)714-0600
17 ATTORNEYS FOR THE DEFENDANT,
18 QUICKLINE DESIGN AND MANUFACTURING COMPANY

19 ROHM AND HAAS COMPANY
20 BY: JENNIFER BERKE LEVIN, ESQUIRE
100 INDEPENDENCE MALL WEST
21 PHILADELPHIA, PENNSYLVANIA 19106-2399
ATTORNEYS FOR THE DEFENDANT,
ROHM AND HAAS COMPANY

22 MATTLEMAN, WEINROTH & MILLER, PC
23 BY: SHARON ORAS MORGAN, ESQUIRE
24 LAND TITLE BUILDING, SUITE 2226
BROAD & CHESTNUT STREETS
25 PHILADELPHIA, PENNSYLVANIA 19110
(215)923-2225
ATTORNEYS FOR THE DEFENDANT,
SIMON WRECKING COMPANY, INC.

1 A P P E A R A N C E S (CONTINUED:)

2 DRINKER, BIDDLE & REATH, LLP
3 BY: ANDREW P. FOSTER, ESQUIRE
and ADINA M. DZIUK, ESQUIRE
4 ONE LOGAN SQUARE
18TH & CHERRY STREETS
5 PHILADELPHIA, PENNSYLVANIA 19103-6996
(215)988-2512

6 ATTORNEYS FOR THE DEFENDANTS,
RAHNS SPECIALTY METALS, INC.,
7 TECHALLOY COMPANY, INC., THOMAS & BETTS
CORPORATION and UNISYS CORPORATION

8 NAVY LITIGATION OFFICE
9 BY: ROBERT MANLEY, ESQUIRE
WASHINGTON NAVY YARD
10 WASHINGTON, D.C. 20002
(202)685-6987

-and-

11 UNITED STATES DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
12 BY: JOHN SHEEHAN, ESQUIRE (present via phone)
601 D STREET NW, SUITE 8120
13 WASHINGTON, D.C.
(202)514-0995
14 ATTORNEYS FOR THE DEFENDANT,
UNITED STATES OF AMERICA DEPARTMENT OF NAVY
15
16
17
18
19
20
21
22
23
24
25

153

1 A. I don't even know the type of waste they
2 have.

3 (Exhibit P-42, Invoice to Handy &
4 Harman, marked for I.D.)

5 Q. Mr. DeRewal, take a look at the document
6 that's been marked Exhibit P-42 and let me ask you
7 whether you recognize this or not.

8 A. It's an invoice to Handy & Harman.

9 Q. Okay. Taking a look at the invoice
10 where it says 55-gallon drums industrial waste
11 solution and 30-gallon drums. Does that jog your
12 memory as to what kind of waste Handy & Harman had?

13 A. No.

14 Q. Now, this invoice is addressed to
15 Norristown, Pennsylvania. I forgot what town you
16 mentioned a moment ago when I asked you about them.

17 A. I don't know. I thought they were in
18 Paoli. They might be in Norristown.

19 Q. You don't have a real good recollection
20 of this customer, right?

21 A. No.

22 MR. HARRIS: Okay. Nobody
23 objected. That was leading, I can't
24 understand it.

25 (Off-the-record discussion.)

1 C E R T I F I C A T E

2 I, NORA M. GALLAGHER, a Notary Public and
3 Certified Shorthand Reporter of the State of New
4 Jersey, and Commissioner of Deeds of the Commonwealth
5 of Pennsylvania, do hereby certify that prior to the
6 commencement of the examination,

7 MANFRED T. DE REWAL

8 was duly sworn by me to testify to the truth, the
9 whole truth and nothing but the truth.

10 I do further certify that the foregoing
11 is a true and accurate transcript of the testimony as
12 taken stenographically by and before me at the time,
13 place and on the date hereinbefore set forth.

14 I do further certify that I am neither
15 a relative nor employee nor attorney nor counsel of
16 any of the parties to this action, and that I am
17 neither a relative nor employee of such attorney or
18 counsel and that I am not financially interested in
19 this action.

20

21

22 Nora M. Gallagher, C.S.R.
23 My Commission Expires October 24, 2007
24 Certificate No. XI00911
25 Date:

EXHIBIT E

lrees.txt

1

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA
3 _____ CIVIL ACTION NO.
4 02-CV-3830
5 Boarhead Farm Agreement Group,
6 Plaintiff, Oral Deposition of
7 vs. Larry Rees
8 Advanced Environmental
9 Technology Corporation;
10 Ashland Chemical Company;
11 Boarhead Corporation;
12 Carpenter Technology
13 Corporation; Crown Metro,
14 Inc.; Diaz Chemical Corporation;
15 Emhart Industries, Inc.; Globe
16 Disposal Company, Inc.;
17 Globe-Wastech, Inc.; Handy &
18 Harman Tube Company, Inc.;
19 Knoll, Inc.; Merit Metal
20 Products Corporation; Novartis
21 Corporation; NRM Investment
22 Company; Plymouth Tube Company;
23 Quikline Design and Manufacturing
24 Company; Rahns Specialty Metals,
25 Inc.; Rohm & Haas Company; Simon
Wrecking Company, Inc.; Techalloy
Company, Inc.; Thomas & Betts
Corporation; Unisys Corporation;
United States of America
Department of Navy,
Defendants.

21
22 Certified Shorthand Reporting Services
23 arranged through
24 Mastroianni & Formaroli, Inc.
25 709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

□

2

lrees.txt
* * * * *

Transcript in the above matter taken at
the offices of Ballard, Spahr, Andrews & Ingersoll,
Esquires, 1735 Market Street, Philadelphia,
Pennsylvania, commencing at 9:30 a.m.

A P P E A R A N C E S:

BALLARD, SPAHR, ANDREWS & INGERSOLL, ESQUIRES
BY: MARC E. DAVIES, ESQUIRE

- and -

ANNE HEIDEL, ESQUIRE
1735 MARKET STREET
51ST FLOOR
PHILADELPHIA, PENNSYLVANIA 19103
(215) 864-8248
Attorneys for the Plaintiff,
BFAG

HINMAN, HOWARD & KATTELL, ESQUIRES
BY: RALPH K. KESSLER, ESQUIRE
106 CORPORATE PARK DRIVE
SUITE 317
WHITE PLAINS, NEW YORK 10604
(914) 694-4102
Attorneys for the Plaintiff,
TI Automotive

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI,
STEWART & OLSTEIN, ESQUIRES
BY: JOHN M. AGNELLO, ESQUIRE
5 BECKER FARM ROAD
ROSELAND, NEW JERSEY 07068
(973) 994-1700
Attorneys for the Defendant,
Handy & Harman Tube Company

W I T N E S S I N D E X

Examination of Mr. Rees by Ms. Heidel:
Page 5

lrees.txt

19 the waste that was generated?
20 A. what time period?
21 Q. Sorry, from '79 to '84.
22 A. No.
23 Q. You said in the production process --
24 let's look at this again.
25 You mentioned part of the process was

26

LARRY REES - NOVEMBER 18, 2004

1 annealing?
2 A. Um-hum.
3 Q. Can you describe what that entails?
4 A. It means taking material to a given
5 temperature, whatever the material calls for,
6 specification, you heat it to soften it up so we can
7 work it again.
8 Q. Okay.
9 And was that done to prepare the tubes
10 before they were cut to size?
11 A. No, it was for drawing.
12 Q. For drawing.
13 Okay.
14 So just to clarify, from '84 to 2000
15 you were working on the second floor up here, were
16 you ever supervising people who were on the first
17 floor, either in the commercial mill or in the
18 production area on the first floor?
19 A. No.
20 Q. Okay.

1 trees.txt
2 what about records for the waste
3 generated?

3 A. That I wouldn't know.

4 Q. What about invoices that you get from
5 outside vendors, do you know who is responsible for
6 that from '84 to 2004, what department?

7 A. I'd just be guessing and say accounting,
8 but that's just a guess, I have no idea.

9 Q. Okay.

10 MS. HEIDEL: Do you need a quick break?

11 THE WITNESS: No, I'm ready to go.

12 MS. HEIDEL: Can we take a five-minute
13 break and we'll be right back?

14 THE WITNESS: Sure.

15 (Brief Recess.)

16 MS. HEIDEL: Actually, I think we're
17 done.

18 MR. AGNELLO: Good.

19 MS. HEIDEL: Thanks so much for coming
20 in.

21 (Witness Excused.)

22 (Testimony Concluded.)

23

24

25

0

33

1 C E R T I F I C A T E

2 I, Christi A. Argenbright, a Notary Public and
3 Certified Shorthand Reporter of The State of New

lrees.txt

4 Jersey and a Commissioner of Deeds of The State of
5 Pennsylvania, do hereby certify that prior to the
6 commencement of the examination,

7 LARRY REES

8 was duly sworn by me to testify to the truth,
9 the whole truth and nothing but the truth.

10 I do further certify that the foregoing is
11 a true and accurate transcript of the testimony
12 as taken stenographically by and before me at the
13 time, place and on the date hereinbefore set forth.

14 I do further certify that I am neither a
15 relative nor employee nor attorney nor counsel of any
16 of the parties to this action, and that I am neither
17 a relative nor employee of such attorney or counsel
18 and that I am not financially interested in this
19 action.

20

21

Christi A. Argenbright, C.S.R.
Notary Public, State of New Jersey
My commission expires October 16, 2005
Certificate No. XI01789
Date: December 6, 2004

22

23

24

25

34

1 (Exhibit LR-1, Diagram, is marked for
identification.)..... 18:7

2 (Exhibit LR-2, Diagram, is marked for
3 identification.)..... 24:7

4 (Exhibit LR-3, Invoice, is marked for
5 identification.)..... 24:9

6

EXHIBIT F

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Civil Action No.
02-CV-3830

BOARHEAD FARM AGREEMENT
GROUP,

Plaintiff,

Oral Deposition of
THOMAS BELL

vs.

ADVANCED ENVIRONMENTAL TECHNOLOGY
CORPORATION; ASHLAND CHEMICAL
COMPANY; BOARHEAD CORPORATION;
CARPENTER TECHNOLOGY CORPORATION;
CROWN METRO, INC.; DIAZ CHEMICAL
CORPORATION; EMHART INDUSTRIES,
INC.; ETCHED CIRCUITS, INC.; FCG,
INC.; GLOBE DISPOSAL COMPANY, INC.;
GLOBE-WASTECH, INC.; HANDY & HARMAN
TUBE COMPANY, INC.; KNOLL, INC.;
MERIT METAL PRODUCTS CORPORATION;
NOVARTIS CORPORATION; NRM INVESTMENT
COMPANY; PLYMOUTH TUBE COMPANY;
QUIKLINE DESIGN AND MANUFACTURING
COMPANY; RAHNS SPECIALTY METALS,
INC.; ROHM & HAAS COMPANY, SIMON
WRECKING COMPANY, INC.; TECHALLOY
COMPANY, INC.; THOMAS & BETTS
CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA DEPARTMENT
OF NAVY,

Defendants.

* * * * *
Thursday, February 24, 2005
* * * * *

Certified Shorthand Reporting Services
Arranged Through
Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

Page 2

Transcript in the above matter taken at
the offices of Drinker, Biddle & Reath, Esquires,
1000 Westlakes Drive, Berwyn, Pennsylvania,
commencing at 10:00 A.M.

APPEARANCES:

BALLARD, SPAHR, ANDREWS & INGERSOLL, LLP
BY: MARC E. DAVIES, ESQUIRE
1735 Market Street
51st Floor
Philadelphia, PA 19103-7599
215-864-8248
Attorneys for the Plaintiff

CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN, ESQUIRES
BY: JOHN M. AGNELLO, ESQUIRE
5 Becker Farm Road
Roseland, NJ 07068
973-994-1700
Attorneys for the Defendant,
Handy & Harman Tube Company

Page 4

1 (Thomas Bell, having been duly sworn, was examined
2 and testified as follows:)
3 (EXAMINATION OF MR. BELL BY MR. DAVIES:)

4 Q. Mr. Bell, my name is Marc Davies. We
5 just met. I am an attorney representing a group of
6 companies involved with paying for the remediation or
7 clean-up of the landfill and we are suing another
8 number of other companies that they believe are also
9 involved.

10 We are going to go over the
11 instructions briefly.

12 I will ask, have you been deposed
13 before?

14 A. You mean --

15 Q. A deposition, with a court reporter.

16 A. Uh-uh.

17 Q. I will just go over a couple of the
18 instructions. Again, if you have any questions about
19 these instructions or anything, please just ask.

20 First, your testimony is sworn
21 testimony. You are answering under oath, just like
22 if you were in a courtroom.

23 Please make sure that your answers are
24 verbal. The court reporter can't take down a shrug
25 or uh-huh. We need a yes or no, whatever your answer

Page 3

WITNESS INDEX

Examination of Mr. Bell

By Mr. Davies: Page 4

EXHIBITS

(Exhibits appear at the
conclusion of the transcript)
(Exhibits are retained by
counsel)

Page 5

1 is.

2 Also, please listen to my questions.
3 If you don't understand something, ask me to clarify,
4 I'm happy to do that.

5 On the same token, if I'm asking you
6 about something that you have a good basis to answer,
7 but you can't be precise, if you want to give a
8 range, an approximation, that's fine. I don't want
9 you to guess. If you don't know, don't guess, but if
10 you feel like you have a good handle on something and
11 you can give an exact number or a range, I would ask
12 you to do that.

13 We also need to make sure we don't talk
14 over each other so the court reporter can take
15 everything down. Please make sure that I finish my
16 question completely before answering. Also, the
17 attorney for the company might want to say something
18 as well, so just let's try to make sure we speak one
19 person at a time.

20 I will ask you whether you've taken any
21 medication of any kind within the last 24 hours that
22 might impact your ability to testify today.

23 A. No.

24 Q. Let's briefly go through your personal
25 information. Your name again for the record?

2 (Pages 2 to 5)

Page 70

Invoice from De Rewal Chemical Company dated February of 1973. Have you ever seen this invoice before?

A. No.

Q. Have you ever seen an invoice from De Rewal Chemical Company or anything with the name De Rewal on it?

A. Not to my knowledge or not to my memory, anyway.

Q. Aside from perhaps preparing for this deposition, have you ever heard the name De Rewal?

A. No.

Q. Looking under the description, the first thing that is mentioned is a 250-gallon oil tank. Did you ever have an oil tank like that at Handy & Harman?

A. You mean -- are we talking about 1973?

Q. Well, that would be where to start, yes.

A. I couldn't honestly say. I don't know if they had a 250-gallon oil tank in 1973 or not. I mean -- I don't know.

Q. Can you, in your mind, to your best recollection, ever recall Handy & Harman having a 250-gallon oil tank at any time?

A. Gas?

Q. I don't really know what it would hold,

Page 72

1 THE WITNESS: The gas tank that I'm
2 referring to would be in the late '90's into the 2000
3 area and it would have been kept about right there
4 (indicating).

5 MR. AGNELLO: Why don't you put gas
6 tank and put late '90's, 2000? That way, there is no
7 question.

8 BY MR. DAVIES:

9 Q. So prior to the late '90's, the gas tank
10 wasn't there that you've written on that drawing?
11 There was not a gas tank there prior to the late
12 '90's?

13 A. I don't know when it came. Within the
14 last couple of years, it went. I can't say it got
15 there February 10th, 1987. I don't know when it
16 first came. I remember -- the question was do you
17 remember ever seeing a tank, okay. I remember this
18 tank sometime in the '90's, at least in the '90's.

19 Q. Okay. Now, do you know that the tank
20 wasn't there in the '70's or do you just not recall
21 one way or the other?

22 A. I don't recall to say it wasn't there.
23 I'm just not sure of that. To say it was there, I'm
24 not sure of that.

25 Q. Fair enough. Going back to Bell-2,

Page 71

but a tank that would hold 250 gallons, whether it be
gas or oil or whatever it holds. It could hold
water. A tank of the size that would hold
approximately 250 gallons.

(OBJECTION) MR. AGNELLO: Objection. I'd ask for a
clarification.

At any time during his 45 years or 44
years at Handy & Harman does he remember ever seeing
a 250-gallon tank that was used for any purpose, to
store anything?

MR. DAVIES: Yes.

MR. AGNELLO: So it's any time,
anything.

THE WITNESS: There was a gas tank, we
used to fill the trucks and I believe that was 250
gallons. I could be wrong, but we had a gas tank
that to me would have been 250 gallons.

BY MR. DAVIES:

Q. Where on Bell-1 would that have been?

MR. AGNELLO: Now, again, Bell-1 is the
mid -- early to mid '70's document. You are now
asking him for a gas tank. I guess the question is,
not to ask it, but so we get the time periods, when
did this time period exist, and Mr. Davis would like
to know where it was.

Page 73

1 there are several 55-gallon drums and 30-gallon
2 drums, what is referred to as industrial waste
3 solution. Do you know what that is referring to?

4 A. No.

5 Q. Is that a term that you recall using
6 when you worked at Handy & Harman?

7 A. I wouldn't know what -- I don't know
8 what the term would be, how they would send out waste
9 product. I wouldn't have been privied to this or, if
10 I would have, I don't remember or recognize it.

11 Q. Now, under that, it says 25 empty
12 55-gallon drums delivered.

13 Can you tell me why they would be
14 delivering empty drums?

15 (OBJECTION) MR. AGNELLO: Objection as to form.
16 He already said he never saw the document before, so
17 I guess if your question is -- I object as to form,
18 foundation.

19 MR. DAVIES: I will rephrase slightly.

20 We talked a little bit earlier about
21 55-gallon drums being delivered for the two-week
22 shut-down. Aside from that, do you recall whether
23 empty drums were ever delivered to the facility?

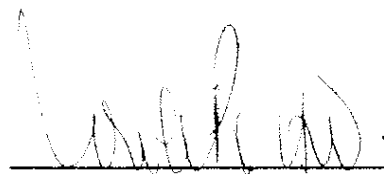
24 (OBJECTION) MR. AGNELLO: Objection. I don't
25 think there is any testimony specifically about

19 (Pages 70 to 73)

C E R T I F I C A T E

I, Lori A. Porto, a Notary Public and
Certified Shorthand Reporter of the State of New
Jersey, do hereby certify that that the
foregoing is a true and accurate transcript of
the testimony as taken stenographically by and
before me at the time, place and on the date
hereinbefore set forth. .

I do further certify that I am neither a
relative nor employee nor attorney nor counsel
of any of the parties to this action, and that I
am neither a relative nor employee of such
attorney or counsel and that I am not
financially interested in this action.



Lori A. Porto, C.S.R.
Notary Public, State of New Jersey
Certificate No. XI01577

EXHIBIT G



Articles contain no graphics or photos.

INTERNATIONAL DRUG-SMUGGLING CASE GOES TO TRIAL HERE

By **Joseph A. Slobodzian**, Inquirer Staff Writer
 Source: **Philadelphia Inquirer, The (PA)**; 788 words
 Published: **1989-01-26**
 Section: **LOCAL** | Page **B03** | Edition: **FINAL**

Even after serving a six-month prison term in 1978 and paying a \$20,000 fine for illegally dumping hundreds of thousands of gallons of toxic chemicals into the Delaware River, life was pretty good for Manfred **DeRewal**.

DeRewal, in his early 50s and still wealthy from real estate investments and other businesses, gave up his chemical-disposal companies and home in Nockamixon, Bucks County, and in 1980 moved to Costa Rica in Central America.

There, by all accounts, in Guanacaste Province on the northern Pacific Coast, **DeRewal** prospered. He founded a new company specializing in the extraction of gold as well as the development of fertilizers and insecticides. He developed Las Palmas, a resort hotel and fishing club, and a condominium complex where units sold for \$200,000 and up. His home became known as a gathering place for Costa Rican and international business people, government ministers and even a former Costa Rican president.

It was also in Costa Rica, say federal prosecutors, that **DeRewal** eventually took up a new trade: international drug smuggling.

Yesterday **DeRewal**, now 62, back in the States and in federal custody, went on trial before U.S. District Judge James McGirr Kelly on charges of conspiring to export the key ingredient of methamphetamine, or "speed," from Costa Rica into Bucks County. **DeRewal** was indicted on charges of conspiracy to import, importation of, and attempting to import phenyl-2-propanone, or P2P. If convicted on all counts, he could be sentenced to a maximum of 15 years' imprisonment and fined \$45,000.

"This case is about drugs, and the evidence will show that Mr. **DeRewal** was an international drug smuggler," prosecutor Deborah J. Rhodes of the Justice Department's Organized Crime Strike Force, said in her opening statement to the jury.

Rhodes said the 17 gallons of P2P that **DeRewal** allegedly smuggled into the United States, as well as 100 gallons of P2P whose transport went awry at the last minute, would have produced more than 900 pounds of the illegal street stimulant, at a value of more than \$10 million.

Not true, A. Charles Peruto Sr., **DeRewal**'s attorney, said in his opening remarks to the jury. Peruto painted a picture of a respected international businessman, a trained chemist who legally imported the P2P from Europe into Costa Rica for use in his gold-extraction process and agricultural experiments.

"This case is not about the ability of using P2P to make . . . drugs," Peruto said. "This case has to do with conspiring to import P2P into this country. P2P was perfectly legal in just about every country in the world except the United States."

Yesterday, the president of a Costa Rican pharmaceutical firm testified about how he met **DeRewal** and his colleague and translator, Hubert Guysman, when he responded to an advertisement for **DeRewal**'s condominium. It was that introduction, said Omar Acuna, testifying through a translator, that led him to agree to import for **DeRewal** the P2P and another chemical called monomethylamine into Costa Rica.

Federal drug officials say P2P is the chief ingredient of speed and thus is illegal in the United States and a growing number of other countries, including Costa Rica, which banned it in May. Monomethylamine, drug officials say, is a catalyst chemical legal everywhere, including the United States, that in one process is used to convert P2P into speed.

In July or August 1982, Acuna said, **DeRewal** and Guysman came to visit him at his office and asked for his help in importing P2P. Acuna said he imported 50 kilograms of P2P for **DeRewal** in late 1982, charging him about \$33 per kilo. That was followed by an order in early 1983 for about 2,000 kilograms of P2P and in March 1984 by an order for 1,000 pounds of monomethylamine, which he imported from the United States.

Acuna said he had never imported either chemical before and did not know they could be used to produce illegal drugs. He said Guysman told him **DeRewal** used them in his gold and agricultural processes.

DeRewal was a good customer who paid in full in cash and in advance, Acuna said. On several occasions, Acuna added, **DeRewal** invited him, his wife and a granddaughter to his home and he was impressed by the hospitality and the government ministers who attended parties there.

Thus, Acuna testified, he was shocked when, in July 1984, narcotics agents from the Organization of Judicial Investigation, the Costa Rican equivalent of the FBI, and the U.S. Drug Enforcement Administration entered his office to question him about the imports for **DeRewal** and telling him the chemicals were being used to produce illegal drugs.

Acuna said he felt **DeRewal** and Guysman had "abused the confidence and friendship I had given them." He was so angry, he said, that he called Guysman to berate him. Guysman, Acuna testified, said the agents' accusations "were not possible . . . they must be crazy."

© Philadelphia Inquirer, The (PA)

All content is copyrighted and may not be republished without permission.



Articles contain no graphics or photos.

THIS TIME, FRIEND SINGS A DIFFERENT TUNE IN DRUG CASE

By Joseph A. Slobodzian, Inquirer Staff Writer

Source: Philadelphia Inquirer, The (PA); 605 words

Published: 1989-01-27

Section: LOCAL | Page B03 | Edition: FINAL

"I considered him my best friend," Daniel Rufe said of his 20-year friendship with Manfred **DeRewal**.

DeRewal, a man whom federal prosecutors have called an international drug smuggler, gave him his first job when he got out of the service. They bought and sold real estate together, and Rufe and his family regularly stayed at **DeRewal**'s home on the Pacific coast of Costa Rica.

And when he was arrested in 1985 on charges of illegally importing into Bucks County from Costa Rica 17 gallons of phenyl-2-propanone, or P-2-P, the key ingredient of the street stimulant "speed," Rufe's loyalty was such that he lied in court to protect **DeRewal** and identified another man as his link to the illegal chemical.

But after three years in a federal prison, his secret discovered by investigators and facing the prospect of more prison time, Rufe's loyalty cracked. He was granted immunity from further prosecution and agreed to testify against **DeRewal**.

Yesterday, Rufe, his monotone voice occasionally quavering with emotion, told a federal court jury in Philadelphia how in February 1983 he had obtained through **DeRewal** the 17 gallons of P-2-P. He and another man hid the drug in a spare fuel tank of a pickup truck belonging to **DeRewal**'s son, he said, and guided by an interpreter supplied by **DeRewal**, made the tortuous drive through Central America and Mexico and into the United States.

Rufe, 46, a Bucks County real estate broker, also testified about an attempt in 1984 to smuggle in 100 more gallons of P-2-P, an effort that ended Aug. 6, 1984, when FBI agents showed up at his Nockamixon Township office to tell him he was under investigation for smuggling the 17 gallons of P-2-P the year before.

DeRewal, 62, was indicted last year on charges of conspiracy to import, importation of, and attempting to import P-2-P. If convicted on all counts, **DeRewal** could be sentenced to a maximum of 15 years' imprisonment and fined \$45,000.

Defense attorney A. Charles Peruto Sr. has contended that **DeRewal** was not involved in the conspiracy to import the P-2-P. Peruto has said **DeRewal**, a chemist, had legally imported the chemical into Costa Rica, where it was legal until May, for use in a gold-extraction process and in agricultural experiments.

Peruto, who earlier had referred to Rufe as "Judas Rufe," yesterday attacked Rufe's credibility, noting that he had lied at his 1985 trial when he identified Hubert Guysman, a Costa Rican businessman and associate of **DeRewal**'s, as the man who gave him an anonymous telephone number that led to his purchase of the P-2-P.

"Why sir, did you in this courtroom, say that Mr. Hubert Guysman gave you that number?" asked Peruto.

"Because I didn't want to say that Manfred **DeRewal** gave me the telephone number," Rufe replied. "I'm not proud of it, but that's what I did."

Peruto also suggested that Rufe agreed to cooperate with prosecutors to escape further imprisonment and that a letter written to federal parole officials by prosecutor Deborah J. Rhodes, of the Justice Department's Organized Crime Strike Force, detailing his cooperation, led to his early release.

"Would it be correct, in your situation, for me to say that you didn't have a prayer without her?" Peruto said, pointing to Rhodes.

"I didn't have a prayer with her or without her," Rufe angrily replied. "They wrote a letter . . . It didn't do me a damned bit of good."

Rufe said that when he was released from prison last September, he had served 33 months in prison. A 38-month sentence - two-thirds of his five-year prison sentence - is considered a maximum term by federal officials. He said he had earned that release by taking college classes in prison.

"I didn't get any break," Rufe insisted.

© Philadelphia Inquirer, The (PA)

All content is copyrighted and may not be republished without permission.



Articles contain no graphics or photos.

WITNESS RECOUNTS SUSPECT'S TALK OF DRUG SMUGGLING

By **Lacy McCrary**, Inquirer Staff Writer

Source: **Philadelphia Inquirer, The (PA)**; 688 words

Published: **1989-01-28**

Section: **LOCAL** | Page **B03** | Edition: **FINAL**

A woman described by federal prosecutors as an 11th-hour witness testified in U.S. District Court yesterday that former Bucks County resident Manfred **DeRewal** had told her how he arranged the smuggling of illegal chemicals into the United States from Central America.

"He said you use two trucks," said witness Peggy Turner, the wife of a lawyer who at one time represented **DeRewal**. "In one, both gas tanks have gas in them. If that truck makes it (across the border), there is a 90-something percent chance the second truck will go through, and its other tank would have the chemical."

DeRewal - whom prosecutors say is an international drug smuggler - described the two-truck method to Turner, her husband, Jonathan Dunn, and her step-son, James Dunn, Turner said. The discussion took place in December 1986 as the four were eating sandwiches at the bar of a restaurant in Costa Rica, where her family lived for nine years, she recalled.

Turner said **DeRewal** also talked about acquiring a chemical about which she remembered only that it started with the letter "P." She said that he never admitted smuggling the chemical himself but that "he said he had someone do it."

DeRewal, 62, who moved to Costa Rica in 1980, is on trial before District Court Judge James M. Kelly on charges of conspiring to export the key ingredient of methamphetamine, or "speed," from Costa Rica into Bucks County.

He was indicted on charges of conspiracy to import, importation of and attempting to import phenyl-2-propanone or P-2-P.

"I knew they were bringing it into the States as an ingredient, to be part of other ingredients, to form an illegal drug," said Turner, who now lives in Boston.

She said that she had known **DeRewal** since the mid-1970s and that she met him through her husband.

On Thursday, another Bucks County man, Daniel Rufe, testified that in February 1983, he obtained 17 gallons of P-2-P through **DeRewal**. He said he and another man hid the drug in a spare fuel tank of a pickup truck and, guided by an interpreter supplied by **DeRewal**, he made the long drive through Central America and Mexico and into the United States.

DeRewal "said he arranged to have it (P-2-P) put on the truck," Turner testified.

Turner's entire testimony was protested by defense attorney A. Charles Peruto Sr., who said he had received no notice that she would be a witness. He moved to have her testimony disallowed, but Kelly overruled him.

Turner said that she first made contact, voluntarily, with government officials about six weeks ago, and that she decided to give her information to prosecutors because of threats **DeRewal** had made "on our lives."

"Mr. **DeRewal** intended to blow you all up, didn't he?" Peruto asked with some sarcasm.

"I'm here because I'm afraid for my husband's life because of threats that have been made," she reiterated.

Earlier, in testimony without the jury being present, Turner described the only threat made in her presence. She said it occurred about March 1986 when she and her husband visited **DeRewal** at his Costa Rican home.

"There was some drinking and the talk got heavy. There were a lot of guns around. Fred (**DeRewal**) put his hand on a gun and said, 'You know what happens to people who talk too much,' " she said.

She also said that her husband had a gun pointed at him and that he was "kidnapped" from **DeRewal's** home on other occasions. She was not asked to be more specific.

"That kind of threat goes on; there is no time limit to it," she said.

On cross-examination, Turner, a small woman with short, graying hair, said she is not living with her husband "at this time."

Earlier yesterday, Leslie Schmidt, 47, formerly of Philadelphia and Bucks County and twice convicted of making speed or distributing it, testified that Rufe and another man, Michael Giambi, told him of traveling to Costa Rica and returning with 17 gallons of P-2-P.

"I saw one gallon in Mike Giambi's barn. I looked at it and smelled it and considered it was good P-2-P," Schmidt said.

Illustration/Photo:

PHOTO (1)

1. Manfred **DeRewal**; Charged with smuggling P-2-P

© Philadelphia Inquirer, The (PA)

All content is copyrighted and may not be republished without permission.



Articles contain no graphics or photos.

DRUG PLOTTER FACES PRISON

By **Jim Smith**, Daily News Staff Writer

Source: **Philadelphia Daily News (PA)**; 246 words

Published: **1989-02-03**

Section: **LOCAL** | Page **16** | Edition: **PM**

A former Bucks County businessman, once jailed for dumping toxic waste into the Delaware River, now faces a lengthy prison sentence for smuggling P2P, a key ingredient in the drug methamphetamine.

Manfred DeRewal, 62, was convicted by a federal jury in Philadelphia yesterday of conspiring to smuggle P2P from Costa Rica, where he operates a resort hotel and fishing club.

DeRewal, operator of Las Palmas resort in Costa Rica, has been in jail since his arrest last Oct. 19 at a farm in Upper Black Eddy, Bucks County. He will be sentenced March 21 by U.S. District Judge James McGin Kelly.

DeRewal could be jailed for 15 years and fined \$45,000, said prosecutor Deborah Rhodes, an attorney with the U.S. Organized Crime Strike Force in Philadelphia.

In convicting **DeRewal**, the jury accepted the testimony of Daniel Rufe, 46, a Bucks County building contractor and convicted drug smuggler who served about three years in prison for the same offense.

Rufe testified that **DeRewal** arranged for him to smuggle about 17 gallons of P2P in the fuel tank of a pick-up truck in 1983, Rhodes said. They attempted to smuggle an additional 100 gallons the next year but gave up because of an investigation, Rufe testified.

DeRewal did not testify at the trial.

His lawyer, A. Charles Peruto Sr., contended Rufe was not worthy of belief. Peruto said he will appeal.

DeRewal served a six-month sentence about 10 years ago for dumping toxic chemicals into the Delaware River and city sewers in 1976 and 1977.

© Philadelphia Daily News (PA)

All content is copyrighted and may not be republished without permission.



Articles contain no graphics or photos.

EX-BUCKS CHEMIST GETS PRISON TERM

By **Joseph A. Slobodzian, Inquirer Staff Writer**

Source: **Philadelphia Inquirer, The (PA)**; 597 words

Published: **1989-04-13**

Section: **LOCAL** | Page **B03** | Edition: **FINAL**

Contending he was innocent to the end, former Bucks County chemist Manfred **DeRewal** was sentenced yesterday by a federal judge to 10 years' imprisonment and fined \$30,000 for his role in a scheme to smuggle the key element of the illegal drug methamphetamine into the United States.

Speaking in open court for the first time since his arrest in October, **DeRewal** insisted that, while living in Costa Rica, he had legally imported phenyl-2-propanone, or P-2-P, the main ingredient of the illegal stimulant also known as "speed," at the request of some unidentified Nicaraguans.

DeRewal said he assumed the Nicaraguans wanted to produce methamphetamine for their army: "They have a 200,000-man army. Give them methamphetamines and now you have a 400,000-man army."

DeRewal said the Nicaraguans had taken possession of all the P-2-P he had imported into the Central American country from Europe.

"The reason Daniel Rufe didn't get any P-2-P (from me) is that there wasn't any there," **DeRewal** told U.S. District Judge James McGirr Kelly, referring to his former friend and co-conspirator, who became the government's key witness against him.

"So you're saying this is all a figment of Daniel Rufe's imagination," Kelly said.

Kelly told **DeRewal**, 62, he felt a strong sentence was warranted because illicit-drug trafficking is "the most important domestic problem in the U.S. today . . . it touches every community and every strata of our society."

DeRewal, who has been imprisoned without bail since he was arrested by federal agents Oct. 19 at his 100-acre Boarhead Farm in Nockamixon, Bucks County, could have received a maximum of 15 years' imprisonment and a fine of \$45,000.

A. Charles Peruto Sr., **DeRewal**'s attorney, told Kelly he would appeal **DeRewal**'s Feb. 2 conviction on charges of conspiracy to import, importation of, and attempting to import P-2-P. Peruto said one issue that would be appealed is the legality of telephone wiretaps made from June 5 through early August 1984 at **DeRewal**'s home in Playa Flamingo on the northern Pacific coast of Costa Rica. The tapes, which were key evidence against **DeRewal**, were made by Costa Rican agents with the cooperation of the U.S. Drug Enforcement Administration.

DeRewal's sentencing comes a decade after his release from a federal prison following a six-month term and \$20,000 fine for illegally dumping 730,000 gallons of toxic chemicals into the Delaware River.

In 1980 - the same year P-2-P was banned in the United States - **DeRewal** left Bucks County and relocated to Costa Rica. There, according to trial testimony, he founded several new companies experimenting with gold extraction and herbicides.

During 1982 and 1983, according to testimony, **DeRewal** imported into Costa Rica about 500 gallons of P-2-P, telling Costa Ricans he needed the chemical for his gold and agricultural processes. In reality, witnesses testified, **DeRewal** was conspiring with Daniel Rufe, an upper Bucks County real estate broker, to smuggle the chemical into Pennsylvania.

In February 1983, according to testimony, Rufe and another man flew to Costa Rica and obtained 17 gallons of P-2-P through **DeRewal**, hid the chemical in the spare fuel tank of a pickup truck belonging to **DeRewal**'s son and drove through Central America and Mexico and across the Texas border.

A subsequent attempt by Rufe to import 100 gallons of P-2-P was aborted Aug. 6, 1984, after FBI agents told Rufe he was being investigated for importing the 17 gallons the year before.

Rufe pleaded guilty to charges stemming from the 17-gallon incident - without identifying **DeRewal** as his source - and served almost three years in prison before being released in September. Facing additional jail time after investigators learned he had lied during sentencing, Rufe agreed to cooperate with federal investigators and testified against **DeRewal**.

© Philadelphia Inquirer, The (PA)

All content is copyrighted and may not be republished without permission.
